CLERK, U.S. DISTRICT COURT JTHERN DISTRICT OF CALIFORNIA DEPUTY

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF CALIFORNIA

PRESIDIO COMPONENTS, INC., Plaintiff, AMERICAN TECHNICAL CERAMICS CORP., Defendant. AMERICAN TECHNICAL CERAMICS CORP., Counter-Claimant, v. PRESIDIO COMPONENTS, INC., Counter-Defendant.

Case No. 3:08-cv-00335-IEG-NLS

DEC | 6 2009

VERDICT FORM

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Case No. 3:08-cv-00335-IEG-NLS

FINDINGS ON INFRINGEMENT CLAIMS

1.	Do you unanimously fir	nd Presidio has prov	ven by a preponderance of the	ne evidence
	-		sserted claims of the '356 pate	
	Yes			
l l	•		ot answer for the remaining c	laims.)
CLAIM 2	Yes	No		
CLAIM 3	YesX	No		
(If your answ	er is "No" with respect to	claim 3, you need n	ot answer for claims 4 and 5.)
CLAIM 4	Yes X	No		
CLAIM 5	Yes	No		
CLAIM 16	Yes	No		
CLAIM 18	YesX	No		
CLAIM 19	Yes X	No		
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11	VEKDICI POR	uvi Case 140, 3:1	^^-^^-	

,	FINDINGS ON	INVALIDITY DEF	ENSES
2	(The que respect to infring	estions regarding invegement.)	alidity should be answered regardless of your findings with
3	A. Anticips	ation	
5	2. I	Oo you unanimously f	ind ATC has proven by clear and convincing evidence that any
6	or all of the asse	erted claims of the '35	66 patent are "anticipated," or, in other words, not new becaus
7	of the disclosure	e in the following:	
8	Figuero	a, U.S. Patent No. 6,	483,692:
9	CLAIM 1	Yes	NoX
10	CLAIM 2	Yes	No
11	CLAIM 3	Yes	No
12	CLAIM 4	Yes	No X
13	CLAIM 5	Yes	NoX
14	CLAIM 16	Yes	No X
15	CLAIM 18	Yes	No X
16	CLAIM 19	Yes	No
17			
18	August	2000 Capacitors:	
19			
20	CLAIM 1	Yes	No
21	CLAIM 3	Yes	NoX
22	CLAIM 5	Yes	No
23	CLAIM 16	Yes	No
24	CLAIM 18	Yes	
25	CLAIM 19	Yes	
26			
27			2
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1	Heron U.S. Pat	tent No. 4,931,901:		
2	CLAIM 1	Yes	No	
3	CLAIM 2	Yes	No X	
4	CLAIM 3	Yes	NoX	
5	CLAIM 4	Yes	No	
6	CLAIM 5	Yes	NoX	
7	CLAIM 16	Yes	No	
8	CLAIM 18	Yes	No <u>X</u>	
9	CLAIM 19	Yes	No X	
10	CLAIM 19	103		
11	B. Obviou	sness		
12	3.	Do you unanimously fi	nd ATC has proven by clear and convincing evidence	e that an
13	or all of the a	sserted claims of the	'356 patent were obvious or obvious to try in lig	ght of th
14	following com	binations:		
15			121 001) in combination with Agyagi (IIS P	atent No
16	Heron	(U.S. Patent 140. 4,3	931,901) in combination with Aoyagi (U.S. Pa	accire 100
17	5,978,205)			
18	CLAIM 1	Yes	No	
19	CLAIM 2	Yes	No	
20	CLAIM 3	Yes	No X	
21	CLAIM 4	Yes	No	
22	CLAIM 5	Yes	No K	
23	CLAIM 16	Yes	No X	
24	CLAIM 18	Yes		
25	CLAIM 19	Yes		
26				
27			3	
28		VERDICT FOR		

1 2	August 2000 Capacitors in combination with Aoyagi (U.S. Patent No. 5,978,205)
3	CLAIM 2 Yes NoX
5	CLAIM 2 Yes NoX CLAIM 4 Yes NoX
6	C. Inventorship
7	4. Do you unanimously find ATC has proven by clear and convincing evidence that the
8	'356 patent fails to meet the requirement to name all actual inventors and only the actual inventors?
9	Yes NoX
11 12	D. Written Description Requirement
13	5. Do you unanimously find ATC has proven by clear and convincing evidence that the
14	'356 patent does not contain an adequate written description of the claimed invention of claim 1?
15	
16	Yes No
17	
18	E. Enablement
19	6. Do you unanimously find ATC has proven by clear and convincing evidence that the
2021	'356 patent does not contain a description of the claimed invention that is sufficiently full and clear
22	to enable persons of ordinary skill in the art to make and use the invention of claim 1?
23	
24	Yes NoX
25	
26	
27	4
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	FINDINGS ON DAMAGES (IF APPLICABLE)
2	If you found at least one claim of the '356 patent infringed and did not find that particular
3	claim invalid under any of the categories in sections 2-6, then answer the following question:
4	7. What amount of damages, if any, do you unanimously find Presidio has proven by a
5	preponderance of the evidence for infringement of the '356 patent?
7	Amount \$ 1,048,677 of lost profits
8	Or Amount \$of reasonable royalty N/A
10	FINDINGS ON WILLFUL INFRINGEMENT (IF APPLICABLE)
11 12	Answer Question 8 only if you have unanimously found that at least one claim of Presidio's
13	'356 patent is infringed and did not find that particular claim invalid under any of the categories in
14	sections 2-6:
15	8. Do you unanimously find that Presidio has proven by clear and convincing evidence
16	that ATC willfully infringed any of the claims in suit of the '356 patent?
17 18	Yes No
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24 25	
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1	FINDINGS ON FALSE MARKING
2	(This question regarding false marking should be answered regardless of your findings with respect
3	to any other issues.)
4	9. With respect to marking of BB capacitors with the '356 patent before October 24,
5	2008, do you unanimously find ATC has proven by a preponderance of the evidence that Presidio
6	did so for the purpose of deceiving the public? If you answer this question "Yes," then circle in (or
7	write in) the date on which Presidio began such false marking, but in no event earlier than February
8	2006.
9	Yes NoX
0	
1	False Marking Start Date: February 2006
12	May 2007
13	December 2007
14	May 2008
15	Other
16	
17	
18	Dated: 12/16, 2009
19	Foreperson
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27	6
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